

## ARKANSAS STATE CLAIMS COMMISSION

### November 2019 Minutes

On November 4, 2019, the director of the Arkansas State Claims Commission (the "Claims Commission") presented the FY18 audit report to the commissioners pursuant to Ark. Code Ann. § 10-4-418. There were no findings or reportable items of noncompliance in the audit report. As such, there are no audit issues which require action by the Claims Commission.

On November 15, 2019, the Claims Commission held hearings in the Claims Commission Hearing Room, 101 East Capitol Avenue, Suite 410, Little Rock, Arkansas. No hearings were scheduled for November 14, 2019.

Commissioners Dexter Booth, Paul Morris (chair), and Sylvester Smith served as the panel for the Claims Commission hearings.

The panel considered the following matters:

***Cherriet Clark v. Arkansas Public Employees Retirement System***, Claim No. 190709. Claimant filed her claim as beneficiary of Larry Newkirk's retirement benefits, seeking the 50% survivor benefit due to her upon Mr. Newkirk's death. APERS filed a motion to dismiss. Reba M. Wingfield represented Claimant at the hearing. Because a representative from APERS was not in attendance at the hearing on the motion to dismiss, the Claims Commission orally denied the motion. However, because the complaint was signed by Claimant's brother, who is not an attorney licensed to practice law in Arkansas, the Claims Commission DISMISSED the complaint as a nullity. Subsequent to the hearing, and prior to the entry of the order, Claimant's counsel filed a pleading titled "Amended Complaint." Based upon its ruling that the original claim was a nullity, the Claims Commission treated the Amended Complaint as a new claim filing and assigned it a new claim number.

***Shirley A. Turner-Cline, as special administrator of the Estate of Sylvester B. Cline v. Arkansas Military Department***, Claim No. 191250. Claimant filed this wrongful death claim against AMD, seeking \$2,000,000.00 in damages. Claimant propounded discovery requests to Respondent, and Respondent filed a motion for protective order. At the hearing on the motion for protective order, Luther Sutter appeared on behalf of Claimant. Bilenda Harris-Ritter appeared on behalf of AMD. Claimant's counsel advised the Claims Commission that he is pursuing a negligent training claim against AMD, and the Claims Commission found that Claimant was entitled to discovery as to whether the Claims Commission has jurisdiction over this negligent training claim. The Claims Commission directed Respondent to respond to Claimant's discovery requests by January 6, 2020. The Claims Commission also provided some guidance to the parties as to its position to certain discovery requests. The Claims Commission continued the hearing on Respondent's pending motion for summary judgment to August 21, 2020.

***Corbitt Law Firm, PLLC v. University of Arkansas at Little Rock***, Claim No. 190024. Claimant filed this claim to recover attorney's fees and costs related to a FOIA dispute. Claimant filed a motion to strike the motion *in limine* filed by Respondent. At the hearing on this motion, Chris Corbitt appeared on behalf of Claimant with Robert Steinbuch also present. David Curran appeared on behalf of Respondent. The Claims Commission denied Claimant's motion to strike, finding that the continuance of the hearing on the claim changed the deadline to file motions such as Respondent's motion *in limine*. The Claims Commission also gave the parties fourteen days from the date of the order to advise whether the parties will seek further findings from the circuit court. If one or both parties will seek further findings from the circuit court, the Claims Commission stated that the claim would be placed in abeyance.

This completed all of the business on the November 2019 Claims Commission docket.



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**Kathryn Irby, Director**

Date: December 5, 2019